

Proposed Encampment Protocol

A) Shared Principles

When engaging in encampment response, all staff in a frontline capacity will use the same philosophical approach. In all interactions with people who are living unsheltered, staff will engage utilizing a human-centered, housing first, health-focused, rights-based approach. All actions will be guided by a commitment to upholding the human rights and human dignity of all individuals living in encampments, temporary shelters, or tents. Staff will also work to build rapport through mutual respect, effective communication, empathy, and by maintaining transparency around the expectations of individuals living in encampments, temporary shelters, or tents and City staff.

It is vital that all actions taken in the Protocol are grounded in the understanding that housing is a fundamental human need, and that people in our community deserve housing and homelessness responses that are based on intentional planning and good evidence and that have measurable positive impacts and outcomes. Working to provide permanent housing for all is critical and will require an ongoing commitment from the City, community, and other levels of government to find innovative, meaningful solutions.

B) Complaints and Service Request Information:

Individuals in the community who encounter an active or abandoned encampment, temporary shelter, or tent, or someone who is living unsheltered, should contact the Coordinated Response Team led by Housing Focused Street Outreach by email at unsheltered@hamilton.ca, or by phone at 905-546-2828.

All additional contact made with other internal City channels regarding encampments, temporary shelters, or tents will also be forwarded to Housing Focused Street Outreach for first response.

C) Alignment to Housing Resources and Supports

In establishing a housing-focused approach to interacting with individuals living unsheltered and/or in encampments, all individuals will be given an opportunity to complete a Vulnerability Index – Service Prioritization Decision Assistance Tool.

In the context of individuals living in encampments, temporary shelters, or tents, the Vulnerability Index – Service Prioritization Decision Assistance Tool is a triage tool, with a series of questions asked by Housing Focused Street Outreach staff to individuals who are experiencing homelessness. The assessment tool is used to support conversations where staff learn about an individual's housing situation, needs, and strengths to help build a plan to achieve stable housing. It is also used to inform additional supports that may be needed and/or help prioritize housing interventions within Hamilton's Homeless-serving System likely to be most beneficial to support an individual's needs, preferences, and long-term housing outcomes.

There is no requirement for anyone who is living in an encampment, temporary shelter, or tent to complete the Vulnerability Index – Service Prioritization Decision Assistance Tool and it will have no bearing on whether they are able to stay in a particular location or for a specific duration of time. The assessment tool will only be used to help connect individuals experiencing homelessness to housing resources and supports.

D) Prohibited Areas for Camping

In order to provide for the availability of space for temporary shelter in parks, persons without shelter or being homeless will be able to establish an encampment through erecting a temporary shelter for themselves and also be able group together with other such persons' temporary shelters. However, the encampment or cluster of shelters must not exceed five tents or similar temporary shelters, and there must be at least 50 meters separating the encampment or cluster from other encampments or clusters of shelters. Further the balancing of public and private interests while allowing for temporary shelter will require encampments or clusters not be located:

- On or within 50 meters of a school or children daycare centre
- On or within 50 meters of a playground, pool, waterpark, or any spray pad
- On or within 50m of any lake, beach, pond, watercourse or other body of water, or a dock
- Within 5 meters of any private property line
- On or within 5 meters of any transit stop or a highway and specifically including a sidewalk, boulevard, or bridge or tunnel being part of such highway
- On or within 5 meters of any property with an environmental or heritage designation
- On or within 50 meters of any sports fields, inclusive of but not limited to, skateboard parks, fitness amenities, golf courses, ball diamonds, soccer pitches, tennis courts, or any other sports or multi-use courts, as well as stadiums, dugouts, stages, and bleachers.
- On any fenced-in, off-leash dog area
- On any cemetery, including its roads, lanes and paths for travel within the cemetery
- On any community garden and including any garden shed or greenhouse
- On any pathway, sidewalk, or parking lot or on or under any bridge, including pedestrian access points to such areas and structures
- On or within any designated fire route, or the entrance to or exit from a designated fire route, or located so as the block any fire hydrant
- On or within any entrance, exit or a doorway to a building or structure, and including, without limiting the generality of the foregoing, an area adjacent to such entrances or exits required in the event of fire or emergency
- On or within any accessibility entrance or ramp, or located in a way that blocks access to such entrances or ramps.

- On or within any area identified susceptible to flooding, erosion, slope instability, or other environmental hazards
- Further no temporary shelter or tent will be placed against or under, or be attached or tied to any building or permanent structure.

E) Campfire and Barbecue Use

Section 14 of By-Law 01-219, the Parks By-Law, which regulates campfires and barbecues in City Parks; as well as By-Law No. 02-283, the Open Air Burning By-Law, which regulates open-air burning within the City, shall be complied with and may be enforced.

F) Maximum Personal Space Allotment(s)

The total area for a single tent and all its associated belongings cannot exceed beyond a 3-metre-by-3-metre area, or 9-metres-squared, and the total area for five tents within a cluster cannot exceed beyond a total area of 45-metres-squared. The following chart identifies space limits by number of temporary shelters or tents:

Number of Temporary Shelters/Tents within Encampment Cluster	Maximum Total Space Allotment (metres)
One	9m ²
Two	18m ²
Three	27m ²
Four	36m ²
Five	45m ²

Any items located outside of the allotted personal space area would be subject to immediate removal by City staff.

G) Encampment Response Processes

Given that there are several circumstances that require a unique response from the Coordinated Response Team, the following guidelines have been established to direct responses to people living in encampments, and their temporary shelters or tents:

A) When an encampment, temporary shelter, or tent is located on public property:

1. If no health and safety issues are observed, and the encampment, temporary shelter, or tent complies with the prohibitions and locations in this Protocol, individuals will be allowed to maintain and occupy temporary such shelter for the duration of the Protocol. HFSO will continue to engage with the individual(s) on an ongoing basis to provide supports and referrals as needed and work towards

goals in individualized housing plans. HPS will work collaboratively with HFSO if attendance is required for an emergency or another policing function.

2. If a substantial change in circumstances is observed by HFSO in subsequent visits to the encampment, temporary shelter, or tent, such as new significant health or safety issues, HPS may be asked to attend to support any response.
- B) If an encampment, temporary shelter, or tent is located on public property, in a prohibited area:
1. Housing Focused Street Outreach staff will engage with people living within an encampment, temporary shelter, or tent to better understand their needs and connect them with internal and community supports, including housing-focused case management; referral into the emergency shelter system; referrals to health agencies, social assistance supports, and specialized outreach supports; and any other relevant supports available that would improve an individual's health and wellbeing.
 2. Hamilton Police Services will be notified, and Encampment Engagement Officers will attend and complete a risk assessment on-site at each identified encampment, temporary shelter, or tent.
 3. If after visiting an encampment, temporary shelter, or tent, Housing Focused Street Outreach staff observe the encampment, temporary shelter, or tent to be in a prohibited area, they will contact Municipal Law Enforcement to conduct a follow-up assessment. Housing Focused Street Outreach's staff will not enforce the prohibitions within the Protocol but will educate residents of the expectations of the Protocol.
 4. Municipal Law Enforcement Officers will visit the site and determine whether the encampment, temporary shelter, or tent is in a prohibited area. If so, Municipal Law Enforcement Officers will notify the individuals living at the location that they are in a prohibited area via a Notice of Trespass and that they will be required to move from the existing location.
 5. Municipal Law Enforcement Officers will determine compliance timelines depending on the circumstances, for the issuance of notices or actions to be taken in respect to the encampment, temporary shelter, or tent. For example, if the Municipal Law Enforcement Officers observes a significant health or safety issue for the individual due to placing a shelter on a highway the Municipal Law Enforcement Officers will take more urgent action to require compliance or remediate the concern and may seek Hamilton Police Services support. If there

are less immediate health, safety, or other concerns due to encampment or its location within a prohibited area, Municipal Law Enforcement Officers will allow for more time to engage with the individuals in an encampment, temporary shelter, or tent around supports and next steps.

6. After a Trespass Notice has been served and prior to an area being cleared, Housing Focused Street Outreach's will continue to engage with individual(s) at the location to identify alternate sheltering options and attempt to address any barriers to shelter or housing.
 7. If the duration of time provided by a Trespass Notice expires and individual(s) at the site has not moved voluntarily and are unwilling to move, Municipal Law Enforcement Officers will notify Hamilton Police Services Encampment Engagement Officers of any operational plan that has been constructed. Hamilton Police Services will be available to support and assist the Municipal Law Enforcement Officers, operational plan, and/or the individual(s) living at the encampment, temporary shelter, or tent to vacate the prohibited area.
 8. Hamilton Police Services Encampment Engagement Officers will interact with individuals in encampments, temporary shelters, or tents in collaborative support of Housing Focused Street Outreach and/or Municipal Law Enforcement. Otherwise, their level of intervention will be dictated by their own internal policies and the circumstances at a given encampment, temporary shelter, or tent site.
 9. Parks staff will coordinate the clean-up, to be completed either by Parks staff, Roads staff, or the contractor, depending on the location, at the earliest opportunity.
- C) If an encampment, temporary shelter, or tent is located on public property and it is not located in a prohibited area:
1. If no serious health and safety issues at an encampment, temporary shelter, or tent have been identified via Housing Focused Street Outreach staff, they will engage with people living within an encampment, in a temporary shelter, or tent to better understand their needs and connect them with internal and community supports, including housing-focused case management, referral into the emergency shelter system; referrals to health agencies, social assistance supports, and specialized outreach supports; and any other relevant supports available that would improve an individual's health and wellbeing.
 2. If Housing Focused Street Outreach identify or confirm a serious health or safety issue at an encampment, temporary shelter, or tent, and depending on circumstances, they may notify Hamilton Police Services Encampment

Engagement Officers, who may attend and complete a risk assessment on-site at the location where the health or safety issue was identified or reported.

3. If the serious health and safety concern is considered imminent (e.g., exposed electrical wiring, accumulation of discarded needles, use of propane tanks and other combustible materials, possession of weapons) is identified by Housing Focused Street Outreach or Hamilton Police Services Encampment Engagement Officers, Hamilton Police Services will, in addition to any policing responses required in the circumstances, report to the Coordinated Response Team and prioritize working with community partners to address any remaining safety concern. These partners may include Hamilton Fire Department, Hamilton Public Health's Community Points program, Hamilton Parks, or any other parties deemed necessary to address the observed health and safety concerns.
4. All items determined by Hamilton Police Services and/or partners to be a serious risk to the health and safety of individual(s) living at the encampment, temporary shelter, or tent, as well as the public will be removed at the earliest opportunity.
5. If the encampment, temporary shelter, or tent is also in an area deemed to be prohibited based upon the provisions identified in Section D of this Protocol, and after health and/or safety issues placing Municipal Law Enforcement Officers at risk have been removed, Municipal Law Enforcement Officers will initiate steps 4-9 in Encampment Response Process B – *"If an encampment is located on public property, in a prohibited area."*
6. If all serious health and/or safety issues have been removed or otherwise corrected, and the encampment, temporary shelter, or tent is not located in a prohibited area as designated in Section D of this Protocol, then the individual(s) will be permitted to remain in accordance with Encampment Response Process A.

H) Encampments on Private Property

Encampments, temporary shelters, or tents identified on private property are primarily the responsibility of the property owner. Where the owner has not provided consent, concerns of the owner are within Hamilton Police Services' jurisdiction and will be subject to ordinary enforcement procedures in accordance with applicable laws.

Hamilton Police Services will seek the assistance of Municipal Law Enforcement Officers as appropriate or required in the circumstances.

Provided the property owner permits, Housing Focused Street Outreach will engage with encampment, temporary shelter, or tent residents to identify alternate sheltering options and attempt to address any barriers to shelter or housing. Additionally, Housing

Focused Street Outreach will work with individuals at the encampment, temporary shelter, or tent to provide supports and referrals as needed and work towards goals in individualized housing plans.

I) Process for Designating an Encampment, Temporary Shelter, or Tent as Abandoned

While Housing Focused Street Outreach is aware of many encampments, temporary shelters, and tents in the community, people living in encampments, temporary shelters, and tents may move to new locations and/or may abandon a previous site without Housing Focused Street Outreach's or other Coordinated Response Team partners' knowledge. Given that maintaining one's possessions while experiencing homelessness is vital to receiving service, staff will be cautious when deeming a site to be abandoned.

The following process will be followed regarding potentially abandoned sites on public property:

1. If Housing Focused Street Outreach have not interacted with anyone at a particular site for no fewer than three several days, they will review the site with the Coordinated Response Team partners at the nearest opportunity to confirm there has been no recent activity witnessed at the site.
2. If no Coordinated Response Team partners (i.e., Municipal Law Enforcement, Hamilton Police Services, Parks) have witnessed anyone at the site and/or can confirm that the former inhabitants of the site have moved elsewhere, Housing Focused Street Outreach will place a notice at the site in a conspicuous area informing potential residents that the site is due to be cleaned in three (3) days from the time of the notice being placed.
3. Within the three-day timeline, all reasonable attempts will be made by Housing Focused Street Outreach and/or other Coordinated Response Team partners to ensure that individuals known to be previously staying at a site have been made aware that their former site will be deemed abandoned and cleaned.
4. If no interaction has been made by Housing Focused Street Outreach with the former inhabitants at the site, no attempts have been made by the former inhabitants of the site to contact Housing Focused Street Outreach, and/or no other changes are observed at the site by the end of the allotted time, Housing Focused Street Outreach will provide approval to Parks Section to clean the site.
5. Parks staff will coordinate the clean-up, to be completed either by Parks staff, Roads staff, or the contractor, depending on the location, at the earliest opportunity.

Clean-up and maintenance of encampments, temporary shelters, or tents previously on private property are the responsibility of the property owner.

J) Health and Safety

Defining specific health and safety issues is difficult and can be based upon several factors unique to a particular site or circumstance. Some examples include, exposed electrical wiring, accumulation of discarded needles, illegal activity, abuse, threats or violence against staff, HPS or other persons, improper use or storage of propane tanks and other flammable materials, and acts involving weapons. Health and safety issues may also be identified through increased complaints from the public and/or businesses in relation to the encampment, temporary shelter, or tent; for example regarding harassment, vandalism, and/or stolen personal property.

Health and safety concerns existing for those living within or adjacent to an encampment, temporary shelter, or tent will be addressed in a reasonable fashion, in good faith, on a case-by-case basis by the City, recognizing that there is a need to balance the needs of both the individual living in an encampment, temporary shelter, or tent and community members.

In these situations, the City may consult with additional internal and external partners to determine how to best balance the needs of individuals living encamped and community members.

If at any time City staff encounter someone in medical distress requiring immediate attention, witness violence, or believe violence to be imminent to people living in encampments, temporary shelters, or tents, staff, or community members, they will notify emergency medical, Hamilton Fire Department, or Hamilton Police Services to have the appropriate services dispatched. Additionally, City staff will leave the site irrespective of all procedures above, if their health and safety is currently being, or at risk of being threatened. To ensure safety of staff, the presence of Hamilton Police Services may be required while visiting the site.

K) Reporting

To provide ongoing accountability and transparency to the City's encampment response program and the implementation of its encampment protocol, Communications with Council and Ward Councillors regarding the Encampment Protocol will be through monthly, ongoing reports to Council regarding data and trends, operational updates, and any continuous improvement measures implemented to further efforts toward providing ongoing accountability and transparency to the City's encampment response program and the implementation of its encampment protocol. Where a Ward Councillor requests information regarding a specific encampment site within their ward, Housing Focused Street Outreach will provide an update as to whether the encampment has been deemed to be within a prohibited area. Reporting on the status of outreach or enforcement activities will be limited to the monthly Council reports.